

UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

MARGEEN M. BOWYER,

Plaintiff,

OMV MEDICAL INC;  
JAMES R. LOEB, MD.,

## Defendants

CASE NO. C14-1583

NOTICE OF REMOVAL OF CIVIL  
ACTION PURSUANT TO  
28 U.S.C. § 2679(d)(2)

(King County Superior Court Case  
No. 14-2-23834-7 SEA)

To: Clerk, United States District Court  
Western District of Washington

Defendant United States of America, on behalf of James R. Loeb, M.D., and by and through  
Annette Hayes, Acting United States Attorney for the Western District of Washington, and Priscilla  
Chan, Assistant United States Attorney for said District, hereby respectfully files with the Court this  
Notice of Removal pursuant to Title 28, United States Code, Section 1442(a)(1), to remove Case No.  
14-2-23834-7 from the King County Superior Court, to the United States District Court for the  
Western District of Washington. In support of this notice, the United States indicates as follows:

1 1. OMV Medical Inc. ("OMV, Inc."), and James R. Loeb, M.D. are named defendants in a civil  
2 action now pending in the Superior Court of the State of Washington in and for the County of King,  
3 entitled: *Margeen M. Bowyer v. OMV Medical, Inc. and James R. Loeb, M.D.*, Case No. 14-2-  
4 23834-7. According to the operative Complaint, Plaintiff alleges, in relevant part, that Dr. Loeb was  
5 a licensed medical doctor practicing obstetrics and gynecology at Oak Harbor Navy Hospital and  
6 associated Oak Harbor Gynecology Clinic in Oak Harbor, Washington. The Complaint alleges  
7 further, in relevant part, that Dr. Loeb's treatment of Plaintiff during the relevant time period was  
8 medically negligent, constituted battery and resulted in injuries and damages to Plaintiff. *See*  
9 Complaint, attached hereto as Exhibit A.

10 2. Pursuant to Local Rule CR 101(b), a true and correct copy of the operative Complaint filed in  
11 the aforementioned civil action is attached hereto and marked as Exhibit A.

12 3. Pursuant to Local Rule CR 101(b), the United States is concurrently filing the Declaration of  
13 Priscilla T. Chan Re: Notice of Removal of Civil Action and Verification of State Court Records,  
14 which contains a full and complete set of the documents filed with the Clerk of the King County  
15 Superior Court during the pendency of the state court action.

16 4. The above-described civil action may be removed to this Court pursuant to 28 U.S.C.  
17 §§ 1442(a) and 2679(d)(2) on the basis that, at all times and in all respects relevant to the Complaint  
18 filed by Plaintiff herein, Dr. Loeb was an obstetrician and gynecologist at the Oak Harbor Naval  
19 Hospital and Oak Harbor Gynecology Clinic acting under a personal services contract between  
20 OMV, Inc. and the United States Navy under 10 U.S.C. § 1091. Accordingly, pursuant to The  
21 Gonzalez Act, 10 U.S.C. § 1089, and the Certification of Annette L. Hayes, Acting United States  
22 Attorney, Dr. Loeb was, at all times and in all respects relevant to the allegations of the Complaint, a  
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1 federal employee acting within the course and scope of employment. *See* Certification of Annette L.  
2 Hayes, Acting United States Attorney, attached hereto as Exhibit B.  
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4 5. A copy of this Notice of Removal is being served upon all parties to the underlying litigation  
5 and will be promptly filed with the clerk of the King County Superior Court.  
6

7 WHEREFORE, based upon the foregoing, the above-referenced action is removed from the  
8 King County Superior Court, to the United States District Court for the Western District of  
9 Washington.  
10

11 DATED this 14th day of October, 2014.  
12

13 Respectfully submitted,  
14

15 ANNETTE HAYES  
16 Acting United States Attorney  
17

18 */s/Priscilla T. Chan*  
19 PRISCILLA T. CHAN, WSBA No. 28533  
20 Assistant United States Attorney  
21 Western District of Washington  
22 United States Attorney's Office  
23 700 Stewart Street, Suite 5220  
24 Seattle, WA 98101-1271  
25 Phone: 206-553-7970  
26 Email: [Priscilla.Chan@usdoj.gov](mailto:Priscilla.Chan@usdoj.gov)  
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29 Attorneys for the United States of America  
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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that she is an employee in the office of the United States Attorney for the Western District of Washington, is a person of such age and discretion as to be competent to serve papers, and that on this date she served copies of the foregoing document(s) on the person(s) hereinafter named by depositing said copies in the United States mail, postage prepaid, addressed as follows:

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536 Bell Street  
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AND TO: David L. Crump  
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AND TO: Kevin C. Baumgardner  
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Dated this 14th day of October, 2014

*/s/ Christine Kelly*  
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